THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.24509 OF 2006

DATE: 24-11-2006

Between:

1. Shaik Sab Jan,
   s/o Shaik Rahim Saheb,
   Occ: business, aged 64 years,
   R/o D.No.20/336,
   Madras Road, Cuddapah,
   Andhra Pradesh and another.

... Petitioners.

And

1. Cuddapah Municipal Corporation,
   rep. by its Commissioner,
   Cuddapah District and 2 others.

... Respondents.

* * *

ORDER:

The matter is coming up for admission. Sri Newton takes notice on behalf of first respondent. Learned Government Pleader for Roads and Buildings takes notice on behalf of R-2 and learned Government Pleader for Revenue takes notice on behalf of R-3.

2. The writ petition is filed for a writ of Mandamus declaring action of the first respondent in orally asking the petitioners to surrender their properties and hand over original documents relating to the premises bearing Municipal No.3/57 (old door No.3/30), Railway Station Road, Cuddapah, pertaining to the first petitioner and Municipal door No.20/336 (1) to 20/336 (9) (old door

No.20/166) Railway Station Road, Cuddapah, of the second petitioner and threatening to demolish the same without adherence to due process of law, as illegal, arbitrary and violative of Article 300-A of the Constitution of India.

3. It is stated that the first petitioner is husband of the second petitioner. It is also stated that they are the owners of the properties specified in paras 2 and 3 of the affidavit filed in support of the writ petition. It is also stated that the personnel of first respondent came to the petitioners' properties on 22.11.2006 and had taken up marking on the properties saying that they are going to demolish the same for the purpose of road widening.

4. The grievance of the petitioners is that unless due process of law is followed, the demolition cannot be proceeded with since the same would be violative of Article 300-A of the Constitution of India.

5. In the light of the stand taken by the writ petitioners, it is needless to say that the respondents are expected to follow due process of law in proceeding with the further demolition activity.

6. In view of the same, the writ petition is disposed of directing the respondents not to resort to demolition activity unless and until due process of law is followed.

7. The writ petition is accordingly disposed of with the above direction. No order as to costs.

24-11-2006

BSB

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OPERATIVE PORTION OF THE ORDER:

The writ petition is disposed of directing the respondents not to resort to demolition activity unless and until due process of law is followed.

The writ petition is accordingly disposed of with the above direction. No order as to costs.

(Detailed order follows….)

24-11-2006

Note:

1. Issue order copy by wire at party's costs.

2. Please send this bundle to the Court Masters' Section after dispatch of the wire order.

//B.O.//

BSB